

Interview Summary with Examiner

On December 20, 2007, Examiner Lee returned the 12/19/2007 call of Applicant's attorney. Applicant would first like to thank Examiner Lee for taking time to talk with Applicant's attorney. Examiner Lee clarified that there are two inventions: The process and the apparatus. Examiner Lee explained that Gaster was relevant because it was not clear that the sealing of the pharmaceutical capsule of Applicant's invention was limited to the overlap of the coaxial, telescopically joined body parts, referencing page 3, lines 4 and 9. The Examiner also stated that one of ordinary skill in the art could make the equipment necessary for sealing the capsule in light of Gaster by downsizing the equipment. Applicant's attorney thanked Examiner for the telephone interview and informed him that the response being filed will challenge the sufficiency of the 103 rejection for non-compliance with the requirements discussed in *KSR* and the recently issued guidelines regarding 103 rejections.

Support for Amendments:

The amendment to claims 9 and 13 is to remove the phrase regarding the capsule being made of a pharmaceutically acceptable material. Furthermore, claim 9 was amended to be more grammatically correct, changing "to inject" and "to release" to "injecting" and "releasing" so they would be consistent with "using". The format was changed, adding hard returns and indentation, the latter of which is identified with underlined space. Support is found on at least page 3, lines 2-7.

Claims 9 and 13 were amended to add "clamp and" with the amendment being supported by the description on at least page 3, lines 2 to 7, and the description of the drawings starting on page 5 and the drawings. It directly derives from the description that the sealing clamp can be opened or closed. When it is closed, it clamps and holds the capsule in a precise and reproducible position. After sealing fluid is injected in the overlap of the coaxial, telescopically-joined body parts, the capsule is "released" properly.

The amendments do not add new subject matter.